



City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

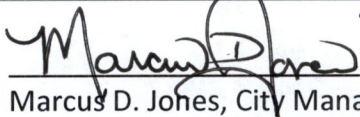
March 18, 2014

From: George M. Homewood, AICP CFM, Planning Director

Subject: **Special Exception for Golden China**

Reviewed: Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: 5/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-1**

- I. **Staff Recommendation:** Approval
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exception to operate an Eating and Drinking Establishment.
- IV. **Applicant:** **Golden China - 9645 1st View Street**
- V. **Description:** This request is to allow an existing eating and drinking establishment, Golden China, to operate under new ownership with expanded hours.

	Current	Proposed (New Owner/Operator)
Hours of Operation and Sale of Alcohol	11:00 a.m. until 10:30 p.m., Monday through Saturday 11:30 a.m. until 10:30 p.m., Sunday	11:00 a.m. until 10:30 p.m., Monday through Thursday 11:00 a.m. until 11:00 p.m., Friday through Saturday 12:00 noon until 10:30 p.m., Sunday
Seating	40 seats indoors 0 seats outdoors 45 total capacity	Unchanged

Staff point of contact: Ashton Jones at 664-7470, ashton.jones@norfolk.gov

Attachment:

- Staff Report to CPC dated February 27, 2014 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

February 27, 2014

From: Ashton Jones, City Planner II

Subject: Special Exception to
operate an Eating and Drinking
Establishment at 9645 1st View
Street– Golden China

Reviewed: Leonard M. Newcomb III, Land Use Services
Manager

Ward/Superward: 5/6

Approved:

George M. Homewood, AICP, CFM
Planning Director

Item Number:

- I. **Recommendation:** Staff recommends approval, subject to the attached conditions.
- II. **Applicant:** Joanna Y. Chen
9645 1st View St
- III. **Description:**
This request is to allow Golden China to operate an Eating and Drinking Establishment.
- IV. **Analysis**
The Property is located on the eastside of 1st View Street between E Ocean View Avenue and Portview Avenue

Plan Analysis

- The proposed Special Exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

Zoning Analysis

- The site is zoned C-2 (Corridor Commercial) which permits an Eating and Drinking Establishment by Special Exception.
- Due to a transfer of ownership, a new special exception is required.
- The site currently has a Special Exception for an Eating and Drinking Establishment.
 - Other than a change in hours, the proposed operation of the restaurant is not substantially changing and no new seats are being proposed with this application.
- To the east there is residential zoned property. As this application is not changing the number of seats and increased traffic is not predicted, there is no negative impact on the residential being considered.

	Current	Proposed (New Owner/Operator)
Hours of Operation and Sale of Alcohol	11:00 a.m. until 10:30 p.m., Monday through Saturday 11:30 a.m. until 10:30 p.m., Sunday	11:00 a.m. until 10:30 p.m., Monday through Thursday 11:00 a.m. until 11:00 p.m., Friday through Saturday 12:00 noon until 10:30 p.m., Sunday
Seating	40 seats indoors 0 seats outdoors 45 total capacity	Unchanged

- The attached conditions ensure that the site is in compliance with *Zoning Ordinance* requirements

Traffic Analysis

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.

V. Financial Impact

The applicant is current on all taxes.

VI. Environmental

- The existing layout of the shopping center is surrounded by a mix of both residential and commercial uses.
- As this is an existing restaurant and seating capacity is not proposed to be increased there should be no future impact on adjacent residential uses.

VII. Community Outreach/Notification

- Legal notice was posted on the property on January 21.
- Letter was sent to the Ocean View Civic League on February 5.
- Letters were mailed to all property owners within 300 feet of the property on February 12.
- Notice was sent to the civic leagues by the Department of Communications on February 12.
- Legal notification was placed in *The Virginian-Pilot* on February 13 and 20.

VIII. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proposed Conditions
- Location Map
- Zoning Map
- 1000' Radii Map of ABC Establishments
- Application
- Letter to the Ocean View Civic League
- Letter of Support from the Cottage Line Civic League

Proponents and Opponents

Proponents

Joanna Y. Chen
9645 1st View Street
Norfolk, VA 23503

Opponents

None

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO ASIA FOOD OF NORFOLK, INC. AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT KNOWN AS "GOLDEN CHINA" ON PROPERTY LOCATED AT 9645 1ST VIEW STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Asia Food of Norfolk, Inc. authorizing the operation of an eating and drinking establishment named "Golden China" on property located at 9645 1st View. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 100 feet, more or less, along the southern line of West Ocean View Avenue and 300 feet, more or less, along the western line of 1st View Street; property also fronts 100 feet, more or less, along the northern line of Portview Avenue; premises numbered 9645 1st View Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 10:30 p.m. Monday through Thursday, from 11:00 a.m. until 11:00 p.m. Friday and Saturday, and from 12:00 noon until 10:30 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 40 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 45 people.

- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to

operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (l) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the

particular provisions of the ordinance authorizing such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the operation of an Eating and Drinking Establishment on this property, adopted on May 10, 2005 (Ordinance No. 41,823). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (3 pages)

Golden China – 9645 1st View Street
Eating and Drinking Establishment Conditions

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 10:30 p.m., Monday through Thursday, from 11:00 a.m. until 11:00 p.m., Friday and Saturday and from 12 noon until 10:30 p.m., Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 40 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 45 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this Special Exception shall be

conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (l) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.



EXHIBIT "A"

Description of Operations
Eating and Drinking Establishment

Date 1.9.2013
Trade name of business Golden China / Asia Food of Norfolk Inc
Address of business 9645 1st view ST Norfolk VA 23503
Name(s) of business owner(s)* Joanna CHEN.
Name(s) of property owner(s)* Blue Marble and Son, LLC
Daytime telephone number (757) 376 0099

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility		Alcoholic Beverage Sales	
Weekday	From <u>11:00</u> To <u>10:30</u>	Weekday	From <u>11:00</u> To <u>10:30</u>
Friday	From <u>11:00</u> To <u>11:00</u>	Friday	From <u>11:00</u> To <u>11:00</u>
Saturday	From <u>11:00</u> To <u>11:00</u>	Saturday	From <u>11:00</u> To <u>11:00</u>
Sunday	From <u>12:00</u> To <u>10:30</u>	Sunday	From <u>12:00</u> To <u>10:30</u>

2. Type of ABC license applied for (check all applicable boxes)

☒ On-Premises ☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for

☒ Beer ☒ Wine ☐ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?

(Entertainment consists of anything more than one, unamplified musician)

☐ Yes (Different application required) ☒ No

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

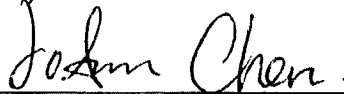
8a. If yes, explain

9. Will there ever be a minimum age limit?
☐ Yes ☒ No

Exhibit A – Page 3
Eating and Drinking Establishment

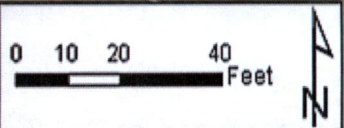
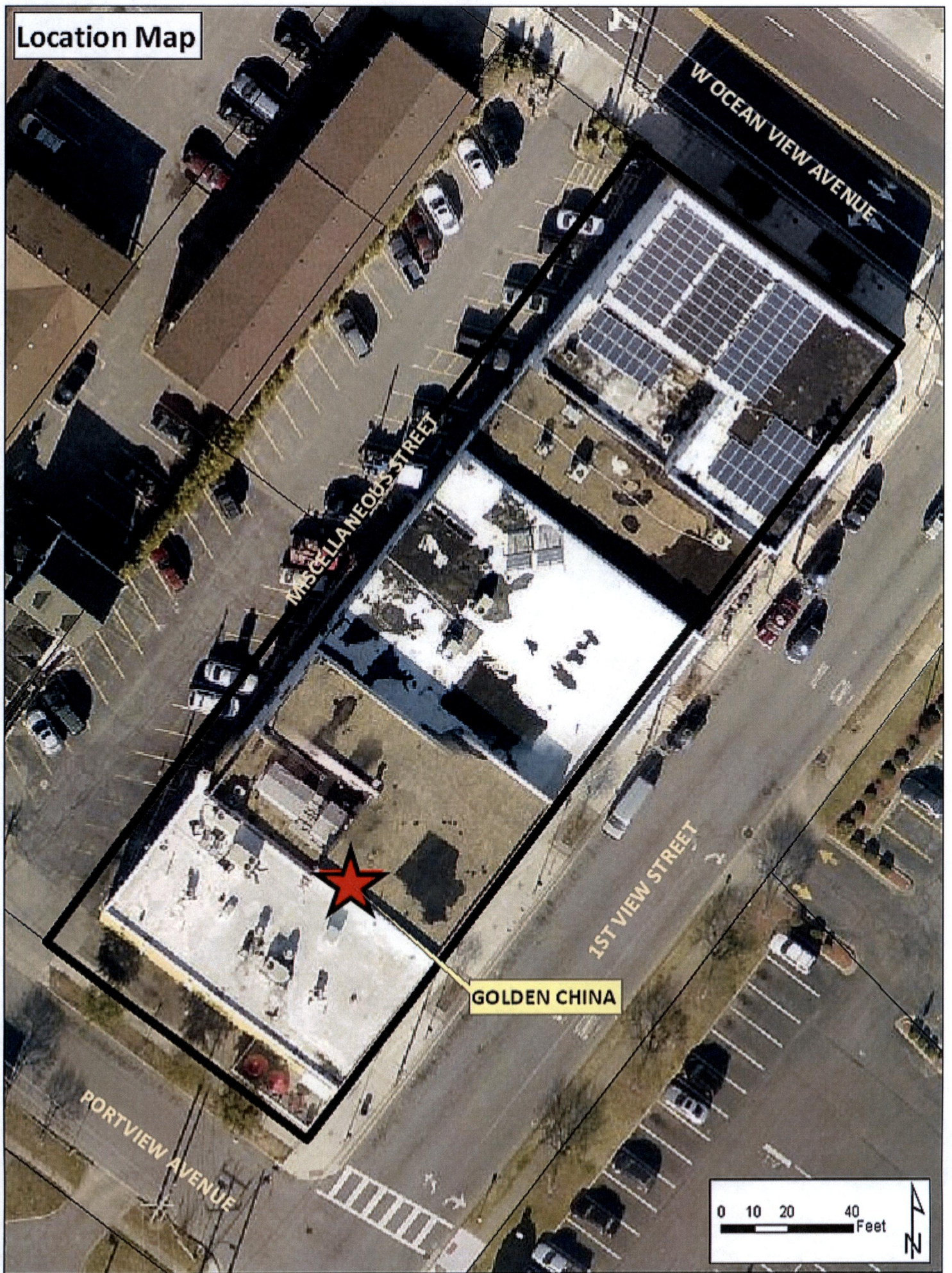
10. Additional comments/ description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

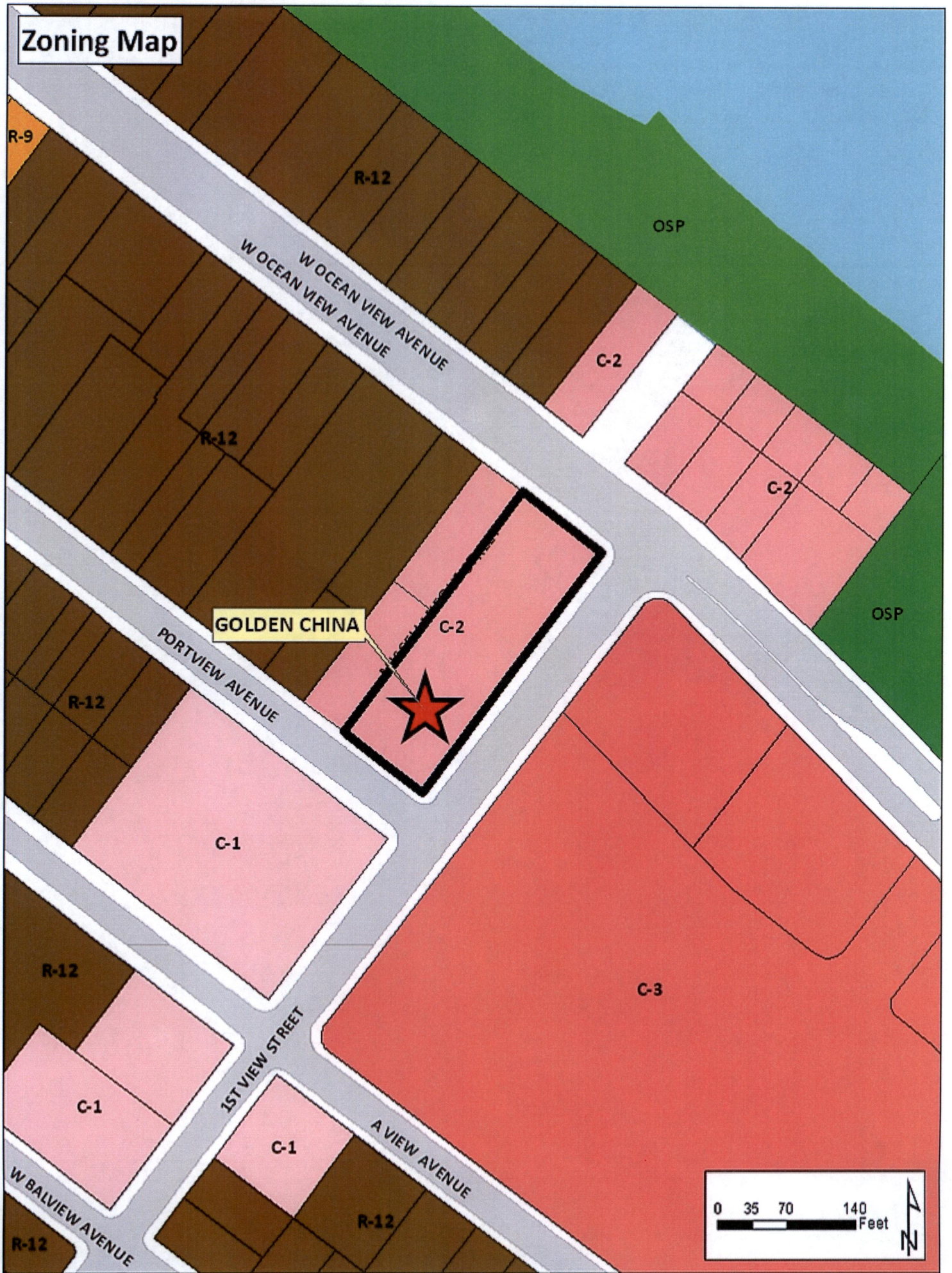


Signature of Applicant

Location Map



Zoning Map



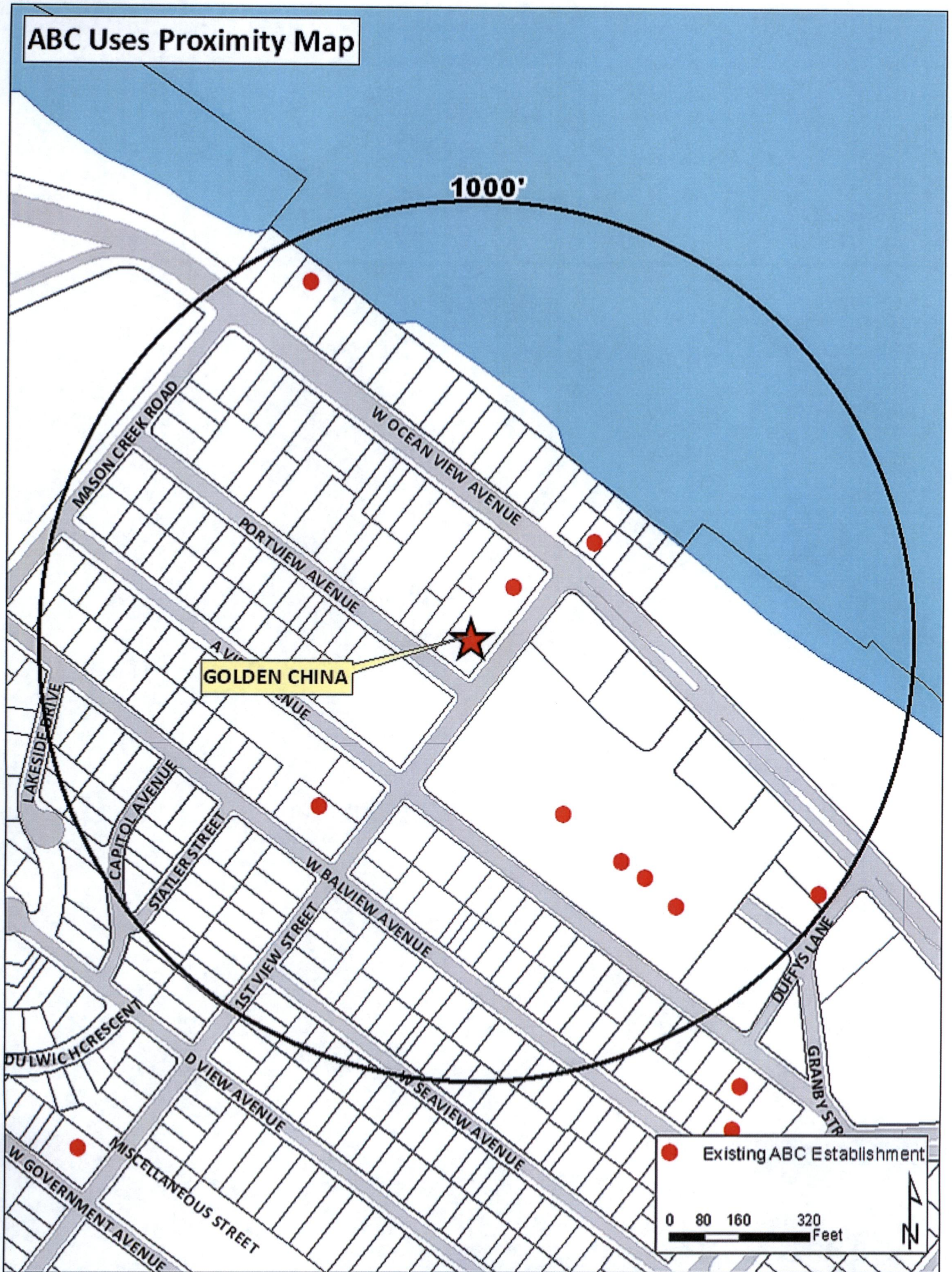
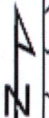
ABC Uses Proximity Map

1000'

GOLDEN CHINA

Existing ABC Establishment

0 80 160 320 Feet





**APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)**

Date 1.9.2014

DESCRIPTION OF PROPERTY

Address 9645 1st View ST. Norfolk, VA 20323503

Existing Use of Property Eating and Drinking Establishment

Proposed Use Same

Current Building Square Footage _____

Proposed Building Square Footage _____

Trade Name of Business (if applicable) _____

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) CHZEN (First) Joanna (MI) Y

Mailing address of applicant (Street/P.O. Box) 9645 1st View ST

(City) Norfolk (State) VA (Zip Code) 23503

Daytime telephone number of applicant (757) 376 0099 Fax number (757) 583 6009

E-mail address of applicant joannaaprill9@gmail.com

2. Name of property owner (Last) Hahn (First) Richard (MI) _____

Mailing address of property owner (Street/P.O. Box) 201 W. Ocean View Ave.

(City) Norfolk (State) VA (Zip Code) 23503

Daytime telephone number of owner (757) 535 6142 Fax number () _____

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

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(Revised July 2013)

**Application
Eating and Drinking Establishment
Page 2**

CONTACT INFORMATION

Civic League contact Willaby / Cottage Line

Date(s) contacted _____

Ward/Super Ward information _____

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- Two 8½ inch x 14 inch (maximum size) copies of a survey or conceptual site plan (required for new construction or site improvements) drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Edward Hahn Sign: [Signature] 12/24/13
(Property Owner or Authorized Agent Signature) (Date)

Print name: Joanna Chen Sign: [Signature] 12/24/13
(Applicant or Authorized Agent Signature) (Date)

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(Revised July 2013)



EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 1.9.2013
Trade name of business Golden China / Asia Food of Norfolk Inc
Address of business 9645 1st View St Norfolk VA 23503
Name(s) of business owner(s)* Joanna CHEN.
Name(s) of property owner(s)* Blue Marble and Son, LLC
Daytime telephone number (757) 376 0099

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>	<u>Alcoholic Beverage Sales</u>
Weekday From <u>11:00</u> To <u>10:30</u>	Weekday From <u>11:00</u> To <u>10:30</u>
Friday From <u>11:00</u> To <u>11:00</u>	Friday From <u>11:00</u> To <u>11:00</u>
Saturday From <u>11:00</u> To <u>11:00</u>	Saturday From <u>11:00</u> To <u>11:00</u>
Sunday From <u>12:00</u> To <u>10:30</u>	Sunday From <u>12:00</u> To <u>10:30</u>

2. Type of ABC license applied for (check all applicable boxes)
☒ On-Premises ☐ Off-Premises (additional application required)
3. Type of alcoholic beverage applied for
☒ Beer ☒ Wine ☐ Mixed Beverage
4. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)
☐ Yes (Different application required) ☒ No

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

8a. If yes, explain

9. Will there ever be a minimum age limit?
☐ Yes ☒ No

Exhibit A – Page 3
Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	<u>40</u>
Number of bar seats	<u>-</u>
Standing room	<u> </u>

b. Outdoor

Number of seats	<u>-</u>
-----------------	----------

c. Number of employees

<u>5</u>

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 45

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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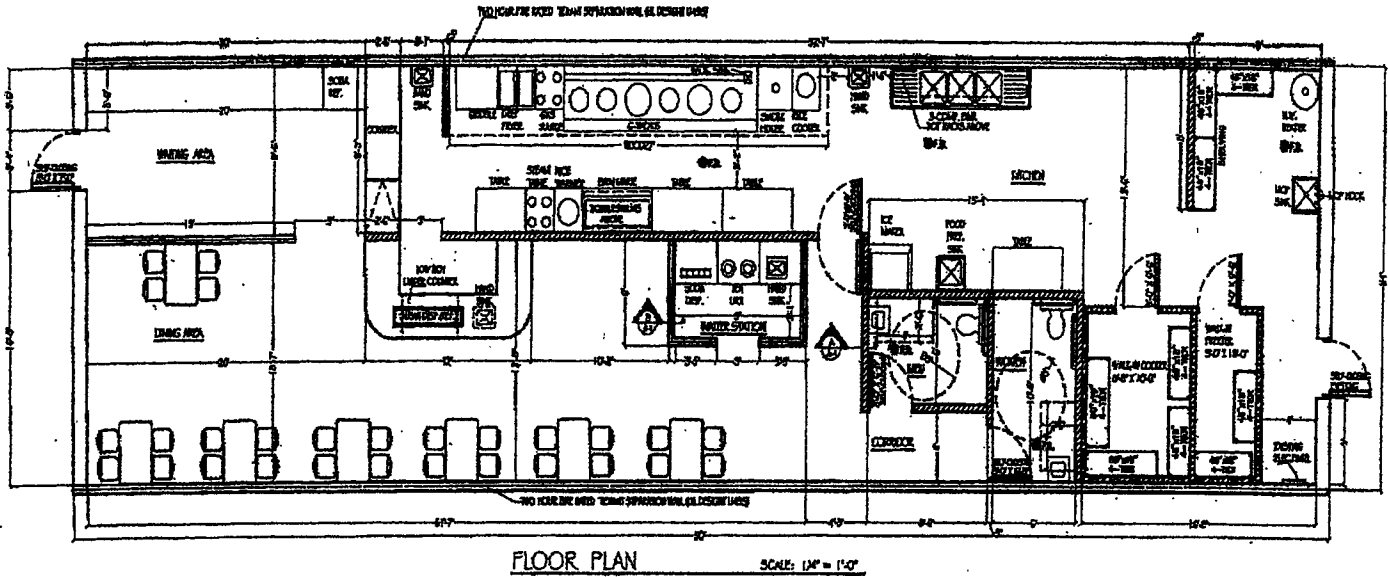
(Revised July 2013)

4. FLOOR PLAN

ADULT USE SPECIAL EXCEPTION

BI CHEN
9645 First View Street

No. 150



2:33 PM

Planning Commission Public Hearing.

March 24, 2005

Application 4

Location

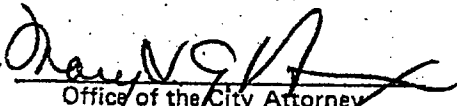


sd, 4/26/05

Form CCC

Form and Correctness Approved:

Contents Approved:

By 
Office of the City Attorney

By 
DEPT Planning

NORFOLK, VIRGINIA

ORDINANCE No. 41,823

R-3

AN ORDINANCE AUTHORIZING AN EATING AND DRINKING ESTABLISHMENT ON PROPERTY LOCATED AT 9645 FIRST VIEW STREET.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Bi Chen authorizing an eating and drinking establishment on property located at 9645 First View Street. The property which is the subject of this Special Exception is more fully described as follows:

Property located fronting 24 feet, more or less, along the western line of First View Street beginning 48 feet, more or less, north of Portview Street and extending northwardly; premises numbered 9645 First View Street.

Section 2:- That the Special Exception hereinbefore granted shall be subject to the following conditions:

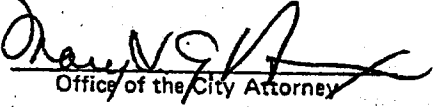
- (a) The hours of operation for the on-premises sale of alcoholic beverages shall be from 11:00 a.m. until 10:30 p.m. on Monday through Saturday, and from 11:30 a.m. to 10:30 p.m. on Sunday.
- (b) The special exception shall automatically expire upon a change in ownership, possession, operation or management of the facility.
- (c) No entertainment shall be provided.
- (d) The seating capacity for the restaurant shall not exceed 40 seats.

sd. 4/26/05

Form CCO-001

Form and Correctness Approved:

Contents Approved:

By 
Office of the City Attorney

By 
DEPT. Planning

NORFOLK, VIRGINIA

ORDINANCE No. 41,823

R-3

AN ORDINANCE AUTHORIZING AN EATING AND DRINKING ESTABLISHMENT ON PROPERTY LOCATED AT 9645 FIRST VIEW STREET.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Bi Chen authorizing an eating and drinking establishment on property located at 9645 First View Street. The property which is the subject of this Special Exception is more fully described as follows:

Property located fronting 24 feet, more or less, along the western line of First View Street beginning 48 feet, more or less, north of Portview Street and extending northwardly; premises numbered 9645 First View Street.

Section 2:- That the Special Exception hereinbefore granted shall be subject to the following conditions:

- (a) The hours of operation for the on-premises sale of alcoholic beverages shall be from 11:00 a.m. until 10:30 p.m. on Monday through Saturday, and from 11:30 a.m. to 10:30 p.m. on Sunday.
- (b) The special exception shall automatically expire upon a change in ownership, possession, operation or management of the facility.
- (c) No entertainment shall be provided.
- (d) The seating capacity for the restaurant shall not exceed 40 seats.

- (e) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations as set forth in Exhibit A attached hereto.
- (f) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.

Section 2:- That this ordinance shall be in effect from the date of its adoption.

Adopted by Council May 10, 2005
Effective May 10, 2005

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: DEPUTY CITY CLERK



City of Norfolk

EXHIBIT A On-Premise Sale of Alcoholic Beverage

Date of Application 2-5-05

Trade name of business: Golden China of Norfolk, Inc

Address of business: 9645 First View ST Norfolk VA 23503

Name(s) of business owner(s): Bi Qiu Chen

Name(s) of property owner(s): Blue Marble & Sun, LLC

Name(s) of business manager(s)/operator(s): Bi Qiu Chen

Daytime telephone number: (757) 583-6008

1. Total Occupancy 88 Total number of seats 88
Number of bar seats 0 Number of Tables 7

2. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

Booths 7
Tables - 1

3. Will indoor or outdoor entertainment be provided? NONE If yes, describe the type of entertainment (i.e., 3 piece band, disc jockey, etc.) N/A

4. Will video games, pool tables, game boards or other types of entertainment be provided? If yes, please describe type and number of each game to be provided:

NONE

5. Will patrons ever be charged to enter the establishment? NO
If yes, explain: _____

ABC On-Premises Special Exception
Page 2

6. Will the facility be available for private parties? NO
If yes, explain: _____

7. Type of ABC license applied for (check all applicable boxes):

☒ On Premises ☐ On & Off Premises (second application required)

8. Additional comments/description/operational characteristics:

CHINESE & JAPANESE Restaurant

Signature of Applicant

Note: A page size drawing showing the floor plan, seating arrangement, bar arrangement, entrances and exits and dance floor location and size must be submitted with this exhibit (see attached Floor Plan example).

February 5, 2014

Mr. Al Saunders
President, Ocean View Civic League
P.O. Box 8727
Norfolk, VA 23503

Dear Mr. Saunders:

The Planning Department has received a Special Exception application to operate an Eating and Drinking Establishment on property located at 9645 1st View Street. This item is tentatively scheduled for the February 27, 2014 City Planning Commission public hearing.

Summary

This request would allow a new owner/operator to operate the existing restaurant, Golden China, while continuing to offer alcoholic beverages to their customers.

	Current	Proposed (New Owner/Operator)
Hours of Operation	11:00 a.m. until 10:30 p.m., Monday through Saturday 11:30 a.m. until 10:30 p.m., Sunday	11:00 a.m. until 10:30 p.m., Monday through Thursday 11:00 a.m. until 11:00 p.m., Friday through Saturday 12:00 noon until 10:30 p.m., Sunday
Hours for Sale of Alcohol	11:00 a.m. until 10:30 p.m., Monday through Saturday 11:30 a.m. until 10:30 p.m., Sunday	11:00 a.m. until 10:30 p.m., Monday through Thursday 11:00 a.m. until 11:00 p.m., Friday through Saturday 12:00 noon until 10:30 p.m., Sunday
Capacity	40 seats indoors 0 seats outdoors 45 total capacity	Unchanged

If you would like additional information on the request, you may contact the applicant, Joanna Chen, at (757) 376-0099 or you may telephone Ashton Jones at (757) 664-7470. A copy of the complete application is enclosed.

Sincerely,



George M. Homewood, AICP, CFM
Assistant Planning Director

cc: Carlton Ransom, Senior Neighborhood Development Specialist
Carlton.Ransom@norfolk.gov



Cottage Line Civic League
1816 E. Ocean View Avenue
Norfolk, Virginia 23503

January 19, 2014

Chairman, Norfolk Planning Commission
Attn: Director of Planning, George Homewood
City of Norfolk, 508 City Hall Building
810 Union Street
Norfolk, VA 23510

Re: Application for ABC License for Gold China Restaurant at 9645 1st View St

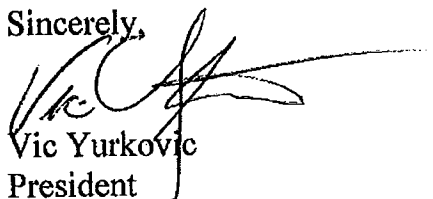
Dear Homewood,

Cottage Line Civic League does not meet until after the Planning Commission meets on February 27th, 2014, therefore the Board of Directors discussed the pending application from Golden China Restaurant for an ABC License. As with past applications for expanded ABC hours in Ocean View Cottage Line has been fully supportive of establishments that are in compliance with the law and have no outstanding issues or a large number of calls for service from the Police Department.

My members do not want to tie the hands of the small business owners, they very much like having small owner run eateries and shops in our neighborhood.

If you have any questions, please contact myself at (757) 287-6693

Sincerely,



Vic Yurkovic
President